

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARIA G. MUNOS CONTRERAS,
Plaintiff,
v.
CAROLYN W. COLVIN, Acting
Commissioner of Social Security,
Defendant.

Case No.: 15-CV-2196-AJB-MDD

ORDER:

**(1) ADOPTING REPORT AND
RECOMMENDATION, (Doc. No. 17);**

**(2) DENYING PLAINTIFF’S
MOTION FOR SUMMARY
JUDGMENT, (Doc. No. 14); AND**

**(3) GRANTING COMMISSIONER’S
CROSS-MOTION FOR SUMMARY
JUDGMENT, (Doc. No. 16)**

On October 1, 2015, Plaintiff Maria G. Munos Contreras (“Plaintiff”) filed a complaint seeking judicial review of the Social Security Administration Commissioner’s (“Commissioner”) decision denying her claim for disability insurance benefits. (Doc. No. 1.) On April 14, 2016, Plaintiff filed a motion for summary judgment. (Doc. No. 14.) The Commissioner filed a cross-motion for summary judgment on May 4, 2016. (Doc. No. 16.) On September 13, 2016, Magistrate Judge Mitchell D. Dembin issued a Report and Recommendation (“R&R”) recommending the Court deny Plaintiff’s motion for summary


1 judgment and grant the Commissioner's cross motion. (Doc. No. 17 at 2.) Notwithstanding
 2 the passage of the deadline, no party has filed an objection to the R&R. (*See id.* at 17
 3 (requiring objections to be filed no later than September 30, 2016).)

4 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district
 5 judge's duties in connection with a magistrate judge's report and recommendation. The
 6 district judge must "make a de novo determination of those portions of the report . . . to
 7 which objection is made," and "may accept, reject, or modify, in whole or in part, the
 8 findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C);
 9 *see also United States v. Remsing*, 874 F.2d 614, 617–18 (9th Cir. 1989). However, in the
 10 absence of timely objections, the Court "need only satisfy itself that there is no clear error
 11 on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b)
 12 advisory committee's note (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,
 13 1121 (9th Cir. 2003) (stating § 636 "makes it clear that the district judge must review the
 14 magistrate judge's findings and recommendations de novo *if objection is made*, but not
 15 otherwise." (Emphasis in original)).

16 Neither party timely filed objections to Magistrate Judge Dembin's R&R. Having
 17 reviewed the R&R, the Court finds Magistrate Judge Dembin's R&R is thorough, well-
 18 reasoned, and contains no clear error. Accordingly, the Court **ADOPTS** the Report and
 19 Recommendation in full, (Doc. No. 17), **DENIES** Plaintiff's motion for summary
 20 judgment, (Doc. No. 14), and **GRANTS** the Commissioner's cross motion for summary
 21 judgment, (Doc. No. 16).

22
 23 **IT IS SO ORDERED.**

24 Dated: October 17, 2016


 Hon. Anthony J. Battaglia
 United States District Judge